

**IN THE UNITED STATES DISTRICT COURT FOR  
THE MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION**

<b>UNITED STATES OF AMERICA</b>	:	
	:	
<b>VS.</b>	:	<b>CRIMINAL NO.: 5:06-CR-60-DF</b>
	:	
<b>NATHAN EVAN GARDNER</b>	:	

<b>ORDER ON DEFENDANT'S MOTION FOR PSYCHIATRIC OR PSYCHOLOGICAL EVALUATION</b>
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The defendant has moved this Court for a psychiatric/psychological evaluation of the defendant, Nathan Evan Gardner.

Information presented to the Court by the defendant gives the Court reason to believe that the defendant Nathan Evan Gardner is suffering from some mental disease which could render him incapable of preparing a defense and standing trial and which could also impact the Court's decision in the matter of sentencing. Based on the information contained in the defendant's motion as well as the information gleamed from a hearing, the Court is desirous of more detailed information concerning defendant Nathan Evan Gardner, including his personal traits, capabilities, background, any mental or physical defects, and any other relevant factors.

The Court is of the opinion that the defendant Nathan Evan Gardner should be examined by a psychiatrist to determine not only his competence to assist properly in his own defense and to understand the nature and consequences of the present proceedings against him, but also his mental condition at the time of the offense he stands accused of committing.

THEREFORE, in accordance with the motion of the defendant, and pursuant to Title 18, United States Code, Sections 4241, 4242, and 4247(b) and (c), IT IS ORDERED AND

DIRECTED:

That at least (1) qualified psychiatrist be designated by the Bureau of Prisons, and hereby appointed, authorized, and directed by the Court to examine the mental condition of the defendant Nathan Evan Gardner, as outlined above and to return a written report to the Court, counsel for the defendant, and the United States Attorney for the Middle District of Georgia of his/her findings as soon as practicable, in which report the said psychiatrist shall state his/her opinion:

- (a) whether the defendant has a sufficient present ability to consult with his attorney with a reasonable degree of rational understanding;
- (b) whether the defendant has a present rational, as well as factual, understanding of the proceedings against him;
- (c) whether the defendant was at the time of the alleged criminal conduct, as a result of mental disease, defect, or psychological disorder lacking substantial capacity to appreciate the wrongfulness of his conduct; and,
- (d) whether the defendant was at the time of the alleged criminal conduct, as a result of mental disease, defect, or psychological disorder lacking substantial capacity to conform his conduct to the requirements of the law.

In making such examination of the defendant, said psychiatrist shall be authorized and empowered to provide such TREATMENT and MEDICATION as he/she deems necessary and proper to assist him/her in making the evaluation required by this Order.

IT IS FURTHER ORDERED that two (2) certified copies of this ORDER be given by the Clerk's Office of the United States District Court to the United States Marshal of this Court who

is hereby directed to convey this Order to at least one (1) qualified psychiatrist designated by the Bureau of Prisons and to make such other arrangements as are necessary for the examination of this defendant. The period for examining and evaluating the defendant shall not commence until the defendant is received at the facility designated for making such examination/evaluation.

IT IS FURTHER ORDERED that any delay occasioned by the continuance be deemed excludable delay pursuant to Title 18, United States Code, Section 3161(h) of the Speedy Trial Act.

**SO ORDERED** this 30th day of November, 2006.

/s/ Duross Fitzpatrick  
DUROSS FITZPATRICK, JUDGE  
UNITED STATES DISTRICT COURT